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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,654	09/28/2001	Toshiro Tsuchida	P21337	1982

7055 7590 06/04/2003

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EXAMINER

CAPRON, AARON J

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,654

Applicant(s)

TSUCHIDA, TOSHIRO

Examiner

Aaron J. Capron

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6-7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The examiner's consideration under MPEP 609 of the non-English language references cited on submitted Information Disclosure Statement is limited to the extent described for the cited non-English documents and any corresponding translations therein only so far as the particular portion respectively translated and without reference to a complete invention thereof. It is further noted that the translations are not attested as to their accuracy.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Age of Rifles 1846-1905 User Manual (hereafter "Age of Rifles").

Referring to claim 1, Age of Rifles discloses a computer readable recording medium comprising accepting an input to a computer of a candidate character intended to be an object of an action to be performed by a predetermined character in accordance with a control operation of a player; determining whether the input accepted for the candidate character is for an enemy character; displaying, in accordance with a determination result, a vicinity of the candidate character differently depending on whether or not the candidate character is an enemy character (Pages 11-12 under Crosshair Pointer and Arrow Pointer).

Referring to claim 2, Age of Rifles discloses a computer readable recording medium comprising accepting an input to a computer of an action to be performed by a predetermined character in accordance with a control operation of a player (player can move the friendly units and fire at enemy characters Pages 11-12 under Crosshair Pointer and Arrow Pointer); accepting the input to the computer of a candidate character intended to be the object of the action to be performed by the predetermined character in accordance with a control operation of a player; and displaying, in accordance with the type of the action accepted as input and the type of the candidate character accepted as input, the vicinity of the candidate character differently depending on whether or not the candidate character is an enemy character (Pages 11-12 under Crosshair Pointer and Arrow Pointer).

Referring to claim 3, Age of Rifles discloses the action accepted as input in an attack action and the candidate character is an enemy character, a cursor pointing at the candidate character is displayed in a first display form (Page 11, under Crosshair Pointer and Pages 28-29, Fire Combat referring to crosshairs) and when the candidate character is not an enemy character, the cursor pointing at the candidate character is displayed in a second display form (Page 12, under Arrow Pointer).

Referring to claim 4, Age of Rifles discloses the action accepted as input in a defense action (Page 16, under the table "Tactical Formation" under Defensive Order and Square, both of which are defensive alignments) and the candidate character is not an enemy character, a cursor pointing at the candidate character is displayed in a first display form (under the Square Tactical Formation the unit is allowed to move into other hexagonal territories where friendly units are located) and when the candidate character is an enemy character, the cursor pointing at the

candidate character is displayed in a second display form (Page 11, under Crosshair Pointer and Pages 28-29, Fire Combat referring to crosshairs).

Referring to claim 5, Age of Rifles discloses displaying a predetermined character vicinity different from a candidate character vicinity (Page 72, last paragraph "The color or the base is a quick way of identifying the nationality of the unit", for further support view the picture on page 10 of the enemy and friendly units).

Claims 6-10 correspond in scope to a video game program set forth for use of the method listed in the claims above and are encompassed by use as set forth in the rejection above.

Claims 11-15 correspond in scope to a video game processing method set forth for use of the method listed in the claims above and are encompassed by use as set forth in the rejection above.

Claims 16-20 correspond in scope to a video game apparatus set forth for use of the method listed in the claims above and are encompassed by use as set forth in the rejection above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ajc
May 29, 2003



S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700